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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Yuba)

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSEPH JAMES REYES,

Defendant and Appellant.

C070866

(Super. Ct. No. CRF11183)

Appointed counsel for defendant Joseph James Reyes asked this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). Finding no arguable error that would result in a disposition more favorable to defendant, we affirm the judgment.

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

On March 26, 2011, a cab driver was dispatched to a location where he picked up defendant and Jacob Montoya. Montoya gave the driver an address and directions. Defendant asked the driver if he knew about the Norteño gang. When the driver pulled over as instructed, defendant put his arm around the driver's throat and Montoya put a semi-automatic pistol in the driver's ribs, demanding his money and his cab identification

card. The driver gave \$83 and his card to Montoya, who threatened to do physical harm to the driver if he called the police. The two robbers fled.

Defendant entered a plea of no contest to making criminal threats (Pen. Code, § 422; count 2) with use of a firearm (Pen. Code, § 12022.5, subd. (a)) and participation in a criminal street gang (Pen. Code, § 186.22, subd. (a); count 3) in exchange for dismissal of the remaining counts and a stipulated state prison sentence of 12 years. The court sentenced defendant accordingly.

Defendant appeals. He did not seek a certificate of probable cause (Pen. Code, § 1237.5).

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

HOCH, J.

We concur:

NICHOLSON, Acting P. J.

MURRAY, J.